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SUBJECT: A/S FARRAR'S VISIT TO CHOCO RAISES CONCERNS ON
AFRO-COLOMBIAN ISSUES

SUMMARY

¶1. On November 28, 2007, DRL Acting A/S Jonathan Farrar visited Quibdo, Choco to discuss Afro-Colombian land and social issues. Choco Governor Julio Ibarguen said weak infrastructure, poor nutrition, and underdevelopment foster violence and displacement in Choco, especially in Afro-Colombian communities. UN Refugee Agency (ACNUR) representative Giovanni Salazar told Farrar poor infrastructure and corruption do not permit the return of internally displaced people (IDPs). Members of COCOMACIA (Consejo Comunitario de la Asociacion Campesina Integral del Atrato), a group of local Afro-Colombian activists, voiced concern that new land use laws may threaten communal land rights, and complained of increased violence due to fighting among the FARC, narco-traffickers and Colombian military. GOC officials conceded that the transfer of land titling authority from Colombia's rural land development agency (INCODER) to the Ministry of Interior and Justice (MOIJ) will be delayed due to organizational issues. Farrar suggested working with the GOC on a package of measures to address these concerns. END SUMMARY.

Weak Infrastructure, Corruption Exacerbate Problems

¶2. Choco Governor Julio Ibarguen Mosquera told DRL A/AS Jonathan Farrar on November 28 that weak infrastructure, poor nutrition, and underdevelopment foster violence and displacement in Choco, especially in Afro-Colombian communities. Ibarguen said the lack of basic services, including health care, education and running water, lead to competition for resources among displaced communities, demobilized paramilitaries, and local residents. Many residents have migrated elsewhere in search of jobs. Ibarguen said the GOC had lost track of all but around 50 of the more than 1,000 ex-paramilitaries who had demobilized in Choco. Local ACNUR representative Giovanni Salazar told us later that many had been recruited into a private security firm and were providing protection and extorting funds from Quibdo merchants. Members of COCOMACIA, a group of Afro-Colombian community leaders, claimed the GOC's encouragement of African palm production -- as an alternative to drug cultivation in rural areas -- diverts resources that should be used to provide basic services. (Note: The GOC supports private development of African palm as part of its biofuels strategy, but we are not aware that GOC funding for local communities is being redirected to the palm industry.) The leaders complained that African palm harms the land, breeds corruption, and leads to human rights abuses.

COCOMACIA also complained that local communities' limited access to resources reflects their lack of the right "connections" to influence authorities.

¶3. ACNUR representative Giovanni Salazar agreed weak infrastructure prevents the proper return of IDPs. He said Choco's leaders need to improve local infrastructure and develop the political will to fight corruption. Salazar said there are over 15,000 critical IDPs who will not receive needed attention due to lack of resources, corruption and mismanagement. International Office of Migration (IOM) representative Soraya Mesa told us many civil society groups provide assistance, but complained that local officials do not want to take over the management and cost of the projects. She said IDP leaders are weak, politically inexperienced, and do not represent their groups' interests, focusing instead on personal gain or agendas. Salazar added that public forces are frequently corrupt, noting that claims of extrajudicial killings are increasing in Istmina and San Juan.

¶4. COCOMACIA leaders said education is a challenge, with schools non-existent in many communities. Mesa highlighted the IOM-built schools for the reintegration of demobilized fighters, but said untrained soldiers fill many teaching slots due to a teacher shortage. Salazar said most demobilized have no more than a second grade education, making it hard for them to find jobs. Most do not want to work in the rural sector and are easily lured back to the drug trade.

Confusion over Laws/Rights

¶5. Many COCOMACIA leaders told us confusion surrounds the new Rural Development, Mining and Forestry Laws. The communities fear these laws may undermine the communal land rights established by Law 70. The communities said they need more information about the reforms. COCOMACIA believes Law 70 makes clear that any collective title must include development assistance. They cautioned that the collective titling of land produced different challenges in different areas. Development assistance should be tailored to meet the needs of individual communities rather than delivered in general, one-size-fits all programs.

¶6. COCOMACIA leaders added that the consultation process (consulta previa), which requires the GOC to consult with communities before approving private mining/oil projects or the location of military bases on Afro-Colombians' land, is often biased. Mining companies, their lawyers, and the Ministry of Mines and Energy manipulate the consultations to the companies' advantage. They complained that under their interpretation of Law 70, subterranean mineral rights should be the property of the communities, citing the "historical practices" language in the bill. (Note: This interpretation conflicts with Colombia's Constitution and Constitutional Court rulings awarding ownership of minerals and other sub-soil rights to the national government.) COCOMACIA plans to push for new legislation that will clarify the rights of collectively titled communities under Law 70.

"Ruled by Fear, Under the Control of the Gun"

¶7. Leaders from COCOMACIA told us Choco is "ruled by fear" created by the FARC, corrupt officials, and narco-traffickers. COCOMACIA said GOC protection programs are "useless." None of the activists had requested protection; most said protection of rural Afro-Colombian communities was a more pressing issue. Salazar said most Afro-Colombian communities are situated near rivers, areas contested by the FARC, new criminal groups such as Organizacion Nuevo Generacion and Rastrojos, and the military. Illegal groups label some communities as "sympathizers" of rival organizations, making them targets of military action. Locals call Istmina a "death zone" because

over 70 murders were reported between September and November 2007. MOIJ Vice Minister Maria Nieto acknowledged that MOIJ's protection program has difficulties working in Choco due to weak infrastructure and local corruption. Nieto also said that land titles for the Afro-Colombian communities of Curvarado and Jiguiamando, which together total 25,000 hectares, were ready but would not be delivered until February or March 2008 to allow time to improve protection before titles are turned over.

18. International Committee of the Red Cross (ICRC) delegate Barbara Hintermann told us the ICRC covers Choco from its Medellin office, largely due to security concerns. Hintermann said security on the Choco river systems had deteriorated in 2007. The ICRC has noted pressure on IDP leaders to sell to, or allow the use of collective lands by, illegal groups.

Transfer of Land Titling Authorities

19. As of January 1, 2008, land titling authority will be transferred from INCODER to Accion Social and the Ministry of Interior and Justice (MOIJ). Salazar said INCODER is not prepared to transfer its authority, partly due to the confusion over how the transfer will take place. Decisions on land claims are slow and would likely remain so after the transfer. Local INCODER office director Carmelo Negrete conceded difficulties in transferring authority, but said it would be done. He said that all titling disputes go to INCODER's central office in Bogota, so the effect on the ground would be little to none.

20. Nieto said the MOIJ has included Afro-Colombian issues as part of its internal restructuring plan. The Ministry will create new offices for Afro-Colombian and indigenous issues in early 2008. A/AS Farrar suggested this new office could participate in the consultation process to better defend Afro-Colombian communities' rights. (Note: The MOIJ's existing Afro-Colombian affairs office with a staff of six is already supposed to play this role.) Nieto agreed this could

be a possible solution but said the Ministry would need time to fully staff the new offices. MOIJ is developing best practices for working with Accion Social on land issues, but the hand-over of responsibilities from INCODER will be delayed by up to six months as the MOIJ staffs up to meet these new requirements.

Follow-up

21. In a subsequent meeting with the Ambassador, A/AS Farrar offered for DRL to work with the Embassy, AID Mission, and WHA on a package of measures that GOC could take to address Afro-Colombian concerns. Some initiatives already are in preparation (e.g., creation of MOIJ Directorate for Afro-Colombians, delivery of Curvarado and Jiguiamando land titles); others would require new GOC action (e.g., issuance of Law 70 regulations on financing for collective land titles, appointment of an Afro-Colombian representative to the committee that evaluates risk for GOC protection programs).

22. A/AS Farrar has cleared on this message.
Brownfield